

**REMARKS**

The present amendments and remarks are responsive to an Office Action mailed June 2, 2005, where the Examiner has rejected claims 1-28. Herein, applicant has amended claims 1, 6, 9, 13, 22, 23, and 26. Reconsideration and allowance of pending claims 1-28 is respectfully requested in view of the following remarks.

**A. Rejection of claims under 35 USC §103**

In paragraphs 1 and 2 of the final office action, the Examiner rejects claims 1-28 under 35 USC 103(a) as being unpatentable over Hutchison (US. Pat. No. 6,725,061) in view of Chang (US Pat. No. 6,330,247).

**Claim 1**

The applicant respectfully submits that not all the limitations of amended claim 1 are disclosed or suggested by Hutchison and Chang, either individually or in combination, and therefore the Examiner will be unable to maintain a prima facie case of obviousness. For example, amended claim 1 recites the following limitation:

*a memory configured to store more than about 1 kilobits of predefined control data, the control data including software code, software patches, or software updates;*

The accessory and wireless device of claim 1 cooperate to enable a processor in the wireless device to determine the type of accessory that is connected. The accessory has a memory configured to store software code, software patches, or software updates. The processor in the wireless device is able to use this stored software to operate the accessory. As described in the Specification, the accessory memory contains over 1 kilobit of memory. See Specification, P[0034] (lines 7-8) of the published version. This memory is selected to be configured to store "software code or software patches or software updates". See Specification, P[0034] (lines 15-19) of the published version. In contrast, the cited references fail to disclose an accessory memory of this size or configured in this manner.

As stated by the Examiner, Hutchinson "does not disclose whether said accessory comprises a memory of storing a control data and said processor uses the control data to operate the accessory". According, the Examiner must be citing to Chang for finding the memory and usage of the control data as claimed.

However, Chang fails to disclose the memory and control data as claimed. Instead, Chang shows an accessory 102 providing a very limited class of information to the microprocessor 106. *See, Chang, col. 8, Ins. 7-15 (duplicated below).*

The exemplary embodiment of the present invention also provides for different classes of information to be communicated from the AUX DSP 116 to the microprocessor 106.

- 10 These classes of information include:
1. Software Version Number (SVN);
  2. VR Mode;
  3. Generic Mode; and
  - 15 4. Extended Software Version Number.

For example, in Chang the Software Version Number is restricted to a value from 0 to 1023, so is represented in only a few bits of information. *See, Chang, col. 8, Ins. 16-24.* Even the more extensive "Extended Software Version Number" consists of only eight ASCII characters, so again is represented in only a few bits. *See, Chang, col. 8, Ins. 59-64.* Further, the examples of the "VR Mode" responses are also just short words and strings. *See, Chang, col. 8, Ins. 24-39.* Finally, the Generic Mode provides information such as "on-hook/off-hook" indicator, power status, and whether the accessory is muted or not. *See Chang, col. 8, Ins. 40-57.* This information passes "parameters and states of the external accessory". Accordingly, no memory structure is disclosed as claimed by the applicant.

Further, Chang discloses no control data being software code, software patches, or software updates as claimed. Instead, the accessory of Chang has a DSP 116 that merely provides parameter and status information to the microprocessor 106. *See Chang, col. 8, Ins. 7-15.* Since the DSP 116 of Chang does not provide any software code, software patches, or software update files, there is motivation to provide accessory 102 with a memory configure for such use.

Accordingly, Chang also fails to disclose a memory configured to store any software code, software patches, or software updates as claimed.

Since Chang and Hutchinson, either alone or in combination, fail to disclose all the limitations of claim 1, the applicant respectfully submits that claim 1, and its dependent claims 2-8, are not rendered obvious by the cited references.

Claim 6

The applicant amends claim 6 as indicated in the Listing of the Claims section. Claim 6 is believed to be allowable as depending from allowable claim 1.

Claim 9

The applicant respectfully submits that not all the limitations of amended claim 9 are disclosed or suggested by Hutchinson and Chang, either individually or in combination, and therefore the Examiner will be unable to maintain a prima facie case of obviousness. For example, amended claim 9 recites the following limitation:

*a memory configured to store more than about 1 kilobits of predefined control data, the control data being software code, software patches, or software updates;*

For the reasons similar to those discussed with reference to the Claim 1 Section above, the applicant submits that Chang and Hutchinson, either alone or in combination, fail to disclose all the limitations of claim 9. Accordingly, the applicant respectfully submits that claim 9, and its dependent claims 10-12, are not rendered obvious by the cited references.

Claim 13

The applicant respectfully submits that not all the limitations of amended claim 13 are disclosed or suggested by Hutchinson and Chang, either individually or in combination, and therefore the Examiner will be unable to maintain a prima facie case of obviousness. For example, amended claim 13 recites the following limitation:

*storing predefined control data in the accessory, the control data being software code, software patches, or software updates;*

For the reasons similar to those discussed with reference in the Claim 1 Section above, the applicant submits that Chang and Hutchinson, either alone or in combination, fail to disclose all the limitations of claim 13. Accordingly, the applicant respectfully submits that claim 13, and its dependent claims 14-21, are not rendered obvious by the cited references.

**Claim 22**

The applicant respectfully submits that not all the limitations of amended claim 22 are disclosed or suggested by Hutchison and Chang, either individually or in combination, and therefore the Examiner will be unable to maintain a *prima facie* case of obviousness. For example, amended claim 22 recites the following limitation:

*processing the line voltage pattern to determine that a connected accessory has a memory storing software, a software update, or a software patch*

For the reasons similar to those discussed with reference in the Claim 1 Section above, the applicant submits that Chang and Hutchinson, either alone or in combination, fail to disclose all the limitations of claim 22. Accordingly, the applicant respectfully submits that claim 22, and its dependent claims 23-25, are not rendered obvious by the cited references.

**Claim 23**

The applicant amends claim 23 for the purpose of clarifying antecedent support.

**Claim 26**

The applicant respectfully submits that not all the limitations of amended claim 26 are disclosed or suggested by Hutchison and Chang, either individually or in combination, and therefore the Examiner will be unable to maintain a *prima facie*

case of obviousness. For example, amended claim 26 recites the following limitation:

*means for receiving operating software, a software update, or a software patch from the accessory*

For the reasons similar to those discussed with reference in the Claim 1 Section above, the applicant submits that Chang and Hutchinson, either alone or in combination, fail to disclose all the limitations of claim 26. Accordingly, the applicant respectfully submits that claim 26, and its dependent claims 27-28, are not rendered obvious by the cited references.

**B. Conclusion**

The applicant believes the pending claims are patentably distinguishable from these references. For all the foregoing reasons, an early allowance of claims 1-28 pending in the present application is respectfully requested.

Respectfully Submitted,

Dated: Oct 6, 2005

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